



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

A Laboratory of Citizenship

Citation for published version:

Stiks, I 2010 'A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and its Successor States' CITSEE Working Paper Series, no. 02, vol. 2010, CITSEE.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher final version (usually the publisher pdf)

Publisher Rights Statement:

© Stiks, I. (2010). A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and its Successor States. (CITSEE Working Paper Series; Vol. 2010, No. 02). CITSEE.

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.





CITSEE WORKING PAPER SERIES



A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and its Successor States

Igor Štiks

Working Paper 2010/02



European Research Council



University of Edinburgh, School of Law
The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

**A Laboratory of Citizenship:
Shifting Conceptions of Citizenship in Yugoslavia and its Successor States**

Igor Štikš

The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

CITSEE Working Paper Series 2010/02
Edinburgh, Scotland, UK
ISSN 2046-4096

© 2010 Igor Štiks

This text may be downloaded only for personal research purposes.
Additional reproduction for other purposes, whether in hard copies or electronically,
requires the consent of the authors.

Requests should be addressed to citsee@ed.ac.uk

The view expressed in this publication cannot in any circumstances be regarded as
the official position of the European Union.

Published in the United Kingdom
The University of Edinburgh
School of Law
Old College, South Bridge
Edinburgh, EH8 2QL
Scotland, UK

www.law.ed.ac.uk/citsee/workingpapers

The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
is funded by an Advanced Investigator Award for basic research made to Jo Shaw by
the European Research Council and runs for five years from 1 April 2009 (ERC
230239)

For information about the Project please visit the project website at
<http://law.ed.ac.uk/citsee>

A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and its Successor States¹

Igor Štiks, School of Law, University of Edinburgh

Abstract

This paper focuses on shifting conceptions of citizenship in Yugoslavia, from its establishment in 1918 to its disintegration in 1991, and in its successor states from early 1990s to the present. It analysis the history of Yugoslavia and its successor states as an instructive and rare example of how citizenship can be used for different and even opposing goals: as a tool of national integration in the first Yugoslavia (1918-1941), as a tool of socialist re-unification after the failure of the previous national integration and the ensuing inter-ethnic conflicts (1945 to the mid-1960s), as a tool of cooperation among nations and their republics in a socialist multinational (con)federation (beginning in the late 1960s and continuing until 1990), as a tool of fragmentation and dissolution (1990-1991) and, finally, of ethnic engineering in Yugoslavia's successor state. It also shows that during the last decade citizenship was used both as a tool of reconciliation and of new divisions. It remains to be seen if the introduction of European citizenship, following the eventual EU integration of all of Yugoslavia's successor states, will be yet another experiment in a century-old Balkan laboratory of citizenship

Keywords:

Citizenship, nationalism, Yugoslavia, Western Balkans, European Union, EU citizenship

Introduction: A Balkan Laboratory of Citizenship

One could argue that Yugoslavia was a 'legitimate' child of Hobsbawn's 'short twentieth century' (1914-1991); a political and historic being that appeared at its

¹ Early findings of my research on citizenship in the former Yugoslavia and its successor states were first presented at the conference *(Trans)nationalism in the Balkans* in Summer 2005 at St. Anthony's College in Oxford and were later published in my article of 2006 *Nationality and Citizenship in the Former Yugoslavia: From disintegration to the European integration in South East European and Black Sea Studies*, 6 (4): 483-500. My research was further developed in my PhD thesis *A Laboratory of Citizenship: Nations and Citizenship in Yugoslavia and its Successor States* which I completed at Institut d'Etudes Politiques de Paris (Sciences Po) and Northwestern University in early 2009. This paper was completed within the framework of the CITSEE project ("The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia"), funded by the European Research Council and based at the University of Edinburgh (ERC 230239; www.law.ed.ac.uk/citsee). It is forthcoming in Dimitar Bechev and Kerem Oktem (eds.) *(Trans)nationalism in the Balkans*, Brill, 2010.

beginnings and vanished at its end. Moreover, the twentieth century started or, rather, the nineteenth century ended, in the very region that would become known as Yugoslavia, and in one place in particular, the city of Sarajevo. If at the beginning there was, in the words of Lawrence Durrell, the fatal 'echo of a pistol-shot' on the right bank of the Miljacka river that pushed Europe into disaster, the twentieth century — as a snake that eats its own tail — ended in flames with the destruction of Sarajevo between 1992 and 1995 during one of the longest sieges in recorded history. Historians will later debate whether the twenty-first century began with the end of communist regimes and the advent of the European Union in 1992, or a decade later, as many argue today, with the planes crashing into the Twin Towers in Manhattan. If again Yugoslavia could be thought of as a child of its century, its successor states seemed to be born in undefined limbo of the 1990s.

If, for instance, the formation of the EU as the most powerful economic bloc in the world — though politically and militarily weak — is that temporal milestone, then Yugoslavia's successor states clearly went in other directions, choosing first to fragment their former supra-national federation whose essence was supposed to be captured in its motto of 'brotherhood and unity'. They decided to constitute themselves as European-like homogenous nation-states — the high cost in human lives and widespread destruction having been the price to pay — before joining the supra-national EU guided by a similar motto of 'unity in diversity'. If this turns out to be the case, then over the last century South Slavic peoples went through two integrations (in 1918 and 1945) — during which they experimented to varying degrees of success with unitarism, federalism and confederalism — and two violent fragmentations (in 1941 and 1991) — in order to re-integrate within a larger European union of nations. When discussing the EU integration of the Western Balkan states, one often hears of dubious concepts of historic belatedness or 'necessity' needed for this region to finally 'catch up' with the rest of the continent. On the other hand, confronted with a supra-national European integration, the former Yugoslavs can cynically say 'been there, done that'. Indeed, the former citizens of Yugoslavia often point to the institutional similarities between the current EU and *de facto* confederal Yugoslavia between 1974 and 1991. These include a rotating presidency, the policies of parity, agreement and consensus, funds for underdeveloped states and regions, a weak central government filled with commissaries equally distributed among members, economic and ethno-national disputes and rivalries, to name just a few. There is also a symbolic level of unity in the same visa-free red passport for holders of the shared citizenship.

At the time of writing, the total number of Yugoslavia's successor states has stabilised at seven. The last one, Kosovo, is only partially recognised by the international community and is the only post-Yugoslav state — or, better said, a state-in-the-making — whose independence another former Yugoslav state (Serbia) and its own ethnic minority (Serbs in Kosovo) refuse to accept. By the end of 2008 all of these countries (except Kosovo) had signed the Stabilisation and Association Agreement with the EU and had embarked officially on the EU accession path.

Slovenia became a member of the EU in 2004 and Croatia will probably follow suit. Macedonia is an official but slow-moving candidate. The others (except Kosovo) are expected to gain official EU candidate status relatively soon. For optimists, the integration of all of Yugoslavia's successor states (together with Albania) should be completed during the next decade (for symbolic reasons some suggest 2014), whereas pessimists condemn these countries (except Croatia), together with Turkey, to the EU's waiting room for many years to come.

In the present paper, I focus on shifting conceptions of citizenship in Yugoslavia, from its establishment in December 1918 to its disintegration in 1991, and in its successor states from early 1990s to the present. Broadly speaking, citizenship is the legal link between a state and individuals, involving rights guaranteed by the state to its citizens and duties citizens owe to their state. Citizenship has two general dimensions: a legal one that binds citizens and their polity and involves the citizens' civil, economic and social rights and duties, and another that implies political activity on behalf of citizens. I claim that citizenship is a tool of the modern (nation-)state. It is the tool that binds the legal status and political membership of an individual and defines his relationship to the state. It is a necessary tool of any state- or nation-building process as it is supposed to provide for an elementary solidarity and legal equality among the individuals who form a community of citizens.

I argue throughout the present paper that the history of Yugoslavia and its successor states provides an instructive and rare example of how citizenship can be used for different and even opposing goals: as a tool of national integration in the first Yugoslavia (1918-1941), as a tool of socialist re-unification after the failure of the previous national integration and the ensuing inter-ethnic conflicts (1945 to the mid-1960s), as a tool of cooperation among nations and their republics in a socialist multinational (con)federation (beginning in the late 1960s and continuing until 1990), as a tool of fragmentation and dissolution (1990-1991) and, finally, of ethnic engineering in Yugoslavia's successor state. Since 2000, the process of joining the EU has been under way with various degrees of success in all of the Yugoslav successor states. One can observe that in this context citizenship was used both as a tool of reconciliation and of new divisions. It remains to be seen if the introduction of European citizenship, following the eventual EU integration of all of Yugoslavia's successor states, will be yet another experiment in a century-old Balkan laboratory of citizenship. This experiment may prove that, in addition to the functions outlined above, citizenship can also be used as an effective tool of cooperation among those EU members and their citizens that share the same twentieth century past.

1. *The Brothers United: Citizenship as a Tool of Integration in the First Yugoslavia, 1918-1941*

The first Yugoslavia was born out of the chaotic final days of the First World War that opened up a possibility for the realisation of a nineteenth century idea that South Slavs should form their own national state. They were eventually united under the Serbian crown. This unification, in a way, mimicked the more famous unifications of Italy and Germany during which various regions with different histories came together under the leadership of a rallying centre and its royal family. Linguistically and culturally similar South Slavs were supposed to complete their nation-building with the necessary help from their own state. To paraphrase Massimo D'Azeglio's famous judgment on the Italian *Risorgimento*, after the creation of Yugoslavia it was necessary to create *Yugoslavs*, out of South Slavs. Therefore, the Yugoslav Kingdom was conceived as a unitary state with a single citizenship and as one nation, though composed of three 'tribes' that gave to the country its first, long, and unusual name: the Kingdom of Serbs, Croats, and Slovenes.

Post-war peace treaties with Austria and Hungary established that a person who had the 'homeland right' (*zavičajno pravo*), or domicile, on former Austrian-Hungarian territory should have citizenship of the country currently exercising its authority on that territory (Jovanović 1977: 11-12). The treaties also established the right of option for adult persons and, more significantly after the dissolution of the multiethnic empires and during consolidation of new nation-states, the right of option for members of ethnic minorities to live in their kin-state, i.e. to emigrate to their kin-states.² It is, however, interesting to note that the laws and regulations on citizenship — enacted by the defunct Habsburg Empire and the post-Ottoman kingdoms — remained in force in the Yugoslav lands for a whole decade after unification. Finally, in 1928, the Kingdom of Serbs, Croats and Slovenes enacted its own citizenship law that established a single Yugoslav citizenship. The law had retroactive application. Its intention was to determine who had actually acquired and who had lost Yugoslav citizenship between 1918 and 1928 (in Tepić & Bašić 1965: 105-130). According to the law, Yugoslav citizens consisted of all persons who, on the day of unification (1 December 1918), had citizenship in the Kingdom of Serbia, the Kingdom of Montenegro, or the Kingdom of Croatia and Slavonia, if they had not lost that citizenship as a result of the Peace Treaties. The law also provided that 'every citizen must have *zavičajnost* in one of the Kingdom's municipalities'. *Zavičajnost* — the term can be translated as 'homeland belonging' — signified permanent municipal residence and a legal link between the individual and the municipality or county where he or she lived (Jovanović 1977: 15). *Zavičajnost* remained an important legal device up until 1945 when it constituted the basis for the establishment of citizenships of the republics of new federal Yugoslavia.

It very soon became clear that it was easier to create Yugoslavia than Yugoslavs. Yugoslavia simply came into being too late. The 'long nineteenth century' in the South Slavic lands had produced powerful regional nationalist movements

² Following the Rapallo Treaty with Italy, ethnic Italians from Dalmatia and Istria acquired the right of option for Italian citizenship without the obligation to emigrate.

aspiring to an independent state or, short of that, more independence for their units within Yugoslavia. Early Yugoslav nation-builders followed the textbook rules on how to make a European nation when they insisted on unitarism, neglected ethnic specificities, refused to internally divide their country by ethnic but rather by geographic and regional criteria, and promoted higher national unity at the expense of local cultures. However, to do so in the context of the political hegemony of the centre (Serbia) and with the Serbian royal family enthroned, at the very moment when separate national groups were already formed with different political and historic memories and different and sometimes opposing political goals meant from the very outset that the integrative policies would probably meet fierce resistance, cause violent conflicts, and probably fail. For, to put it another way, separate nation-builders had already applied the nation-building textbook rules at the local, 'tribal' level.

The tumultuous history of the first Yugoslavia proves that the classic nation-building rules were perhaps right, but the time was definitely wrong. On the eve of the Second World War and twenty years after the establishment of the South Slavic national state, the Yugoslav political elite acknowledged the failure to create a Yugoslav 'community of citizens' that was intended to be, as elsewhere, a cross between a unified political nation *à la française* and the South Slavic ethnic base (in spite of numerous minorities within its borders). It also acknowledged that there was more than one nation in Yugoslavia. In order to solve the Croatian question, it created a semi-independent Croatia in 1939 and therefore started the federalisation of Yugoslavia (Djokić 2003: 153). Nobody knows if the first Yugoslavia would have been further transformed and could have survived as such. Ultimately, its fate was not decided by the Yugoslavs themselves, but by the Axis powers, whose 'solution' for Yugoslavia was partition coupled with annexation of portions of its territory. This was welcomed by local extreme ethnic nationalists who immediately engaged in massive inter-ethnic violence and horrific crimes. Another 'solution', prepared by Yugoslav communists in inter-war years and during the war, combined the preservation of the country, inter-ethnic reconciliation, and national and social emancipation of its nations. This eventually had the upper hand.

2. *Brothers Reconciled, Brothers as Partners: Citizenship as a Tool of Re-unification and Cooperation in the Second Yugoslavia, 1945-1990*

Yugoslavia proves that ideas seldom die with their earthly embodiments. The idea of a South Slavic state did not disappear after the unhappy experience of the first Yugoslavia. What was certainly politically dead was unitarism. The federal vision of Yugoslavia, which had its roots in nineteenth century and was often advocated in the Habsburg South Slavic lands, lived on. After initial disputes on the nature of Yugoslavia, Yugoslav communists adopted and never really abandoned — even under the Comintern's and Moscow's pressures between 1924-1925 and 1934-1935 —

federalist Yugoslavism as the formula both to solve the national question in Yugoslavia in a Marxist way and to save the country itself. Combined with the resistance struggle against the occupiers and their local allies, the perspective of overcoming fratricidal violence, and the promise of social emancipation, federalism turned out to be the winning ticket.

Although the influence of the Soviet teachers was fully acknowledged, the Yugoslav communists introduced important variations into their own federalist solution to the national question. Other than the fact that one republic (Bosnia-Herzegovina) and one autonomous province (Vojvodina) were formed not only on ethnic bases but according to historic criteria, one crucial innovation from the very onset was to add citizenship to the republics' attributes of 'statehood'. Citizenship in socialist Yugoslavia was from the very beginning defined as having two-levels and it was legally and politically bifurcated into federal and republican citizenships. It is important to remember that this was not the case in two other socialist multinational federations. Republic-level citizenships were established in Czechoslovakia only in 1969 and the first Soviet republic to enact its own law on citizenship was Lithuania – but not until November 1989.

As part of the package of the 'just' solution to the national question, bifurcated citizenship in post-war federal Yugoslavia was a tool of the socialist re-unification of the country. Bifurcated citizenship meant both a commitment to the idea of a South Slavic state and the acknowledgement that its brotherly nations should develop fully and independently but preferably — as advocated between 1945 and the mid-1960s — in the direction of a higher socialist unity. From the mid-1960s, first within the Party and later in the far-reaching constitutional changes of 1967, 1968, and 1971 — that were further developed and confirmed in the new 1974 Constitution — it was acknowledged, not without grievances, that over the years the South Slavic brothers had evolved into independent partners and that Yugoslavia was not their 'family home' but 'a communal building'. Yugoslavs called it a 'cooperative federal system' and its main ideologist Edvard Kardelj qualified it in 1971 as 'no longer classical federation... nor... classic confederation, but ... a socialist, self-managing community of nations' (in Ramet 1991: 63). Once it became clear that partnership and interests and not family (ethnic) ties were keeping the Yugoslav nations together, it was impossible to preserve the same constitutional setting or the same Party organisation. The only possible new direction was towards more decentralisation and towards making the republics the primary political arenas in Yugoslavia. Meanwhile, the federal centre became increasingly dependent on the ups and downs of their partnership.

Yugoslavia's internal structure and the relations among the republics were defined by what I call *centrifugal federalism*. Centrifugal federalism was the device that transformed Yugoslavia from a centralist federation into a confederation beginning with the introduction of a number of constitutional amendments between 1967 and 1971 and concluding with the last Yugoslav constitution of 1974. My definition of centrifugal federalism stresses the process which gradually but

irreversibly empowers the subunits over the centre. This process is characterised by accelerated decentralisation and constant concessions to the subunits, which then prove to be impossible to revoke without a serious destabilisation of the whole system and without the potential for violent conflicts.

I argue that Yugoslav centrifugal federalism also transformed bifurcated citizenship in Yugoslavia from a tool of re-unification of brothers into a tool of cooperation among equal partners. Although the internal division into federal and republican citizenships seemed to be purely formal and juristic, it started to play a significant political role during the decentralising process and within the system of centrifugal federalism in Yugoslavia. I claim that Yugoslav bifurcated citizenship changed its political character (without being codified in law as such) from purely federal (between 1945 and the constitutional amendments of 1967-1971) to confederal citizenship (progressively from 1967 and definitely after 1974).

The hybrid structure of Yugoslavia was also manifested in the constitutional definitions of federal and republican citizenship. According to art. 249 of the last Constitution of the SFR Yugoslavia (1974), citizens possessed a 'single citizenship of the SFRY' and every citizen of a republic was 'simultaneously' a citizen of the SFRY. The third line of the article confirms that 'a citizen of a republic on the territory of another republic has the same rights and obligations as the citizens of that republic'. Federal citizenship was thus always both single and dual by its very nature since the simultaneity of republican and federal citizenships was established. This, in fact, created confusion in legal literature over the question of primacy between federal and republican-level citizenship. During the high time of socialist Yugoslavia, it was mostly law students who took an interest in this tricky question, the precise answer to which became of utmost importance when the dissolution of the federation occurred. No consensus exists on the question of primacy; some authors cite the simultaneity and identity of the two citizenships (Pejić 1998) or find, in the equality of the rights and duties of a citizen of one republic living in the other, evidence of 'the primacy of Yugoslav citizenship over those of different republics' (Drouet 1997: 84) and describe the pre-eminence of federal citizenship as 'an important guarantee for minorities facing the majority "nation" of one or another republic' (Drouet 1997: 91). On the other hand, authors like Rakić argue that, although only federal citizenship was legal in the international arena and republican citizenship had an 'exclusively internal legal role', republican citizenship had primacy over SFRY citizenship according to art. 281 on the rights and duties of the Federation and respective provisions of the Law on SFRY Citizenship (Rakić 1998: 59; see also Muminović 1998: 73).

Nevertheless, the 1976 Law on Citizenship of the SFRY brought with it another element that could confirm primacy of the subunits and the confederal nature of Yugoslavia's bifurcated citizenship. The Act regulated conditions for acquisition and termination of Yugoslav citizenship, but transferred the competencies for implementation of the citizenship legislation from the Federal Ministry of the Interior to the republican authorities (UNHCR 1997: 8; Jovanović

1977: 50-51). These competencies included the registration and termination of Yugoslav citizenship. Furthermore, the republican supreme courts were deemed competent in citizenship matters (such as, for instance, in complaints against decisions related to citizenship). A somewhat confusing and unique situation — namely that subunits could decide on federal citizenship — prompted the author of an explanatory introduction to the Law on Yugoslav citizenship to question the existence of any role for the federal authority in this domain (Jovanović 1977: 51). Jovanović finds that there is still some room for the federal authorities on this issue considering that they alone are responsible for citizenship matters in the international arena, but he admits that the only safe conclusion to be drawn is that the new 1976 law did not regulate the matter.

Another striking feature of confederal citizenship in Yugoslavia — another element that since the beginning had been silently reinforcing the power of the republics vis-à-vis the federation — was that the republic-level registries of citizens existed in Yugoslavia only between 1945 and 1991. In other words, Yugoslav citizens were registered only as republican citizens and only at the republican level. Furthermore, only republican centres (and even regional centres in Vojvodina and Kosovo) were entitled to issue Yugoslav passports with their own numbers (preceded with the letters signalling the republic or the autonomous region of origin). This resulted in a plethora of various Yugoslav passports. For instance, passports issued in Kosovo had the letters KA before the number and were printed in Albanian, Serbian and French. Yugoslav passports issued in Macedonia were only in Macedonian and French (but not in Serbo-Croatian).

Multiple changes in citizenship laws, which were similar but not identical in each republic, a general unawareness of the importance of republican citizenship, and sometimes chaotic administrative procedures often resulted in incomplete registers of citizens. Later, this would prove to be a major obstacle for a significant number of individuals at the moment of their registration as citizens of new states. This almost non-existent awareness of the dual character of citizenship in Yugoslavia — legally existent but of no great practical concern — was shared equally by the citizens, the administration and, even by legal scholars (Medvedović, 1998: 49-52). Since federal citizenship was the strong guarantor of the rights of citizens living outside of their native republics, a fact that also stimulated the free movement of people between republics, residence³ became the most important practical factor in the everyday life of Yugoslavs. Yugoslav citizens were, in principle, able to choose their republican citizenship depending on their residency or employment. It is interesting to note that after 1964 it was even possible to do so without further

³ In Yugoslavia residence never became as important for determining citizenship status as it does, for instance, in US legislation. American citizens change their state citizenship automatically if they move to another state within the US. There is also a legal possibility for Americans to possess only federal citizenship if a citizen, for example, lives abroad (Neuman 2003: 152-153). Obviously, this type of legislation is more appropriate to federal nation-states in which the primacy of the federal citizenship is clearly stated.

formalities. On the other hand, after 1976 a change of citizenship, though still allowed by republican laws, was possible only where certain conditions were met and only then after a legal procedure was completed (Medvedovic 1998: 49).

Since republican citizenship was of no significant practical relevance, citizens usually did not change their republican citizenship status if they moved to another republic, and often they did not even register changes of residence. Internal Yugoslav migration established strong personal and family ties across republican borders, while economically motivated migrations and the resettlement of federal administration personnel resulted in a considerable number of individuals living outside of their republic of origin. To a certain degree this affected the balance of ethnic groups in Yugoslav republics. At the moment of Yugoslavia's dissolution, federal citizenship ceased to exist and republic-level citizenships became the only criterion for the acquisition of citizenship in the successor states. 'Internal' Yugoslav migrants, residing in a republic whose citizenship they did not possess and to whose ethnic majority they did not belong, were the first to suffer the consequences of the new citizenship regimes.

3. *Partners into Enemies: Citizenship as a Tool of Fragmentation, Dissolution and Ethnic Engineering in Yugoslavia's Successor States*

3.1. *Democratisation, Fragmentation and Dissolution*

After being used in the first Yugoslavia as a tool of integration and after 1945 as a tool of re-unification and cooperation, citizenship became at the beginning of the 1990s one of the factors behind Yugoslavia's disintegration. I claim that some of the fundamental questions related to citizenship — namely, *To what state do I owe my loyalty? And, which state guarantees, or promises to guarantee my rights and protection?* — critically influenced the democratisation process and Yugoslavia's violent disintegration. Citizenship was, of course, one of many factors, but it is one which has not yet received sufficient scholarly attention.

The problems in the partnership between Yugoslav republics became obvious after the death of Tito in 1980. By the end of the 1980s, cooperation had been tainted with different visions, bitterness and opposing ambitions. The disintegration of the League of Communists of Yugoslavia in January 1990 and the first democratic elections in the Yugoslav republics took place between the early spring and late autumn of 1990 brought this malfunctioning cooperation to the brink of a final and violent break-up. Democratisation came to Yugoslavia via its republican backdoor and never reached its federal institutions. The right to participate in the liberal democratic game of free multi-party elections and post-electoral formation of coalitions, minorities and majorities was at first extended to all residents of the republics. The civic conception of citizenship (all citizens of a given republic) was combined with openness towards residents who came from other republics and to whom the still valid federal laws guaranteed equality throughout Yugoslavia. In

spite of this initial non-discrimination between citizens and residents (citizens of other republics), and in the context of the pending disintegration of the Yugoslav federation whose republics, all but one, had an ethnic base, ethnic solidarity began to dominate the Yugoslav political space. Trans-republican ethnic solidarity necessarily involved the vision of an ethnocentric state that would reassemble most, if not all, ethnic members in one state. It is therefore not surprising that the elections revealed a strong backing for ethnic leaders and ethnic parties whose message of ethnic solidarity traversed republican borders. They promised to 'protect' and guard the interests of their ethnically defined electorate in the inter-republic and inter-ethnic conflicts.⁴

Perhaps predictably, these ethnically defined republics did not adopt civic democracy as republican communities of citizens which negotiated or confronted each other over the future of their common state (union or separation?). Civic democratic movements and parties based on the shared Yugoslav citizenship—that they hoped could still be used as an integrative tool—failed almost everywhere (the backing was strongest in Macedonia and Bosnia). As in many other post-communist countries, the first democratic elections in Yugoslavia demonstrated the 'ethno-national cartelization of opinion and electoral competition' (Skalnik Leff 1999: 214). The democratic elections confirmed the conflict between the citizens' civic/republican and ethnic identities. These two political identities could be easily reconciled only if a citizen resided in his or her own ethnic republic and therefore belonged to its ethnic majority. However, this was not the case for the considerable number of individuals who lived outside the 'national homes' of their ethnic groups and were instead inside republics to which they had historically belonged civically (as republican citizens) but not ethnically.

Another question was heavily debated: who was sovereign in federal Yugoslavia? Was it the Yugoslav nations, or the republics and their citizens? Serbia and Montenegro argued that the former was sovereign; all of the other republics insisted on the latter. Furthermore, the question was related to the even more explosive issue of the constitutionally guaranteed right to self-determination and secession. It was unclear again as to who the bearers of these rights were — ethnic nations or the citizens of the republics — and as to the status of various Yugoslav nationalities (Dimitrijević 1995: 58). Into this volatile debate, Milošević launched an argument that resonated heavily among ethnic Serbs. It could be summarised as follows: if the republics have the right to secede, then ethnic Serbs as whole have the same right to secede from everybody else (see Budding 2008: 92; also Dimitrijević 1995: 58). He was, of course, not ready to apply the principle within his own republic

⁴ The Serb Democratic Party (SDS) was established in both Croatia and Bosnia and was then under the direct influence of Slobodan Milošević who was already perceived (and often portrayed himself) as not only the leader of Serbia but of *all* Serbs. Similarly Franjo Tuđman's Croatian Democratic Union (HDZ) founded a Bosnian branch and Tuđman, though the president of the Republic of Croatia, fashioned himself as the 'president of all Croats'. Alija Izetbegović's SDA, meanwhile, founded a Sandžak branch.

or to acknowledge an equivalent right of secession for ethnic Albanians in Kosovo, Magyars in Vojvodina, or ethnic Muslims in the Sandžak.

I argue that the ethno-national conception of citizenship finally prevailed and fuelled violent conflicts (Štikš 2010) over the redefinition of national borders within which the ethno-national states were to be formed on the basis of the absolute majorities of the core ethno-national groups. Democracy, on this view, was seen as workable only if it was essentially ethno-national. In other words, majority rule should not entail a division between an ethnic majority and an ethnic minority but rather should be practiced within the core ethno-national group with the majority/minority divide formed on the basis of ideological preferences. From this perspective, a projected ethno-national state, territorially expanded in order to include most if not all members of the ethnic group, could be truly democratic only if the core ethnic group had an absolute majority and ethnic minorities were reduced to an insignificant percentage of the population.

3. 2. From Equal Citizens to Unequal Groups: Ethnic Engineering in Yugoslavia's Successor States

I argue that almost all of the successor states of the former Yugoslav federation – with some variations according to their specific contexts – have used their respective citizenship laws as an effective tool for ethnic engineering. By ethnic engineering I mean the intentional policy on behalf of governments and lawmakers to influence, by legal means and related administrative practices, the ethnic composition of their populations in favour of their core ethnic group (Štikš 2006). Similar intentions have influenced the writing of new constitutions. The laws on citizenship and their administrative implementation are obviously closely related and even inseparable from the practice of 'constitutional nationalism' (Hayden 1992), that is, the constitutional redefinition of new states as, in broad terms, the *national* states of their core ethnic group.

Citizenship laws played a key role in determining the citizenry of the new states, as well as the rights guaranteed to citizens by the new state. Following Yugoslavia's dissolution, new legislation in almost all of Yugoslavia's successor states offered a privileged status to members of the majority or core ethnic group regardless of their place of residence (inside or outside their borders). On the other hand, they substantially complicated the process of naturalisation for those outside the ethno-national core group, especially for ethnically different citizens from other former Yugoslav republics who were permanent residents on their territory when the new citizenship regime came into effect. In their extreme manifestation, citizenship laws and practices have also been used as a subtle, but nonetheless powerful tool for ethnic cleansing. The deprivation of citizenship, and the subsequent loss of basic social and economic rights, has been quite effective in forcing a sizeable number of individuals to leave their habitual places of residence.

I argue that new citizenship legislation and related administrative practices together with political activities centred on ethnic solidarity created four different groups of individuals in Yugoslavia's five initial successor states (Slovenia, Croatia, Bosnia, FR of Yugoslavia and Macedonia) based on their citizenship status: the included, the invited, the excluded, and the self-excluded.

The Included

All of the successor states of Yugoslavia adopted policies for legal continuity between new citizenship and previous republican citizenship. All former citizens, regardless of their ethnic backgrounds, who were registered in the citizens' republican registers were automatically transferred into new registers. Possessing the citizenship of the new state was essential when individuals requested new documents such as IDs and passports but also for maintaining previously held jobs, access to health care, and property rights. The problem with the civic registers was their occasional incompleteness. This was due to confusing regulations or simply to administrative incompetence. However, the question whether any given individual was properly recorded in the relevant register became crucial in determining whether that person found him or herself among the included or the excluded.

The principle of legal continuity would not have been problematic had it not left a considerable number of people — usually Yugoslav citizens who resided outside the republic whose citizenship they possessed, whether they knew it or not, and their children who were mostly unaware of their republican citizenship — in a legal limbo. The alternative approach would involve collective naturalisation — to register all residents on a given territory as citizens of new state was seen by some as a more appropriate solution (Rakić 1998). This was practiced by some post-Soviet states (the new state model according to Brubaker 1992) and Kosovo (since 2008). However, we could imagine much more restrictive approaches to determination of initial citizenry as demonstrated in Estonia and Latvia. These countries excluded from citizenship their sizable Russophone population and included only descendants of the inter-war citizens of independent Estonia and Latvia (Brubaker 1992 and Sievers 2009).

The Invited

Almost all of the new citizenship regimes invited certain individuals — mostly ethnic kin in the 'near abroad' i.e. neighbouring republics and ethnic diaspora in Europe or overseas — to join the citizenry of their states. A very explicit invitation to citizenship was included in the new law on Croatian citizenship in 1991 (see Ragazzi and Štiks 2009). For those who were invited to acquire Croatian citizenship on the grounds of their Croat ethnicity, one must define three sub-categories: those ethnic Croats who resided in Croatia but who did not have its republican citizenship; those residing in 'near abroad', mainly in Bosnia-Herzegovina — as the main target of the invitation to acquire citizenship — and; finally, those members of ethnic Croat diaspora in Europe or overseas (pre-Second World War, economic or post-1945 political diaspora, and

Croat guest workers). Since the grounds for granting citizenship to these individuals was their Croat ethnicity, the question immediately arose as to what proves one's Croat ethnicity. In a number of documents such as school certificates or university certificates or some other administrative forms — but not IDs and passports — citizens were asked to declare their ethnicity. Yet Roman Catholic Church certificates were also accepted by the Ministry of the Interior as a proof of someone's 'Croatness'. Art. 16 of the law on citizenship even provided a facilitated naturalisation procedure for those ethnic Croats not residing in Croatia, mostly in Bosnia-Herzegovina. According to some estimates, 1.15 million people have naturalised into Croatian citizenship since 1991, up to 800,000 of these are from Bosnia-Herzegovina (this number also includes a considerable number of non-Croats who somehow managed to get Croatian passports for practical purposes such as visa-free travels).⁵ Not only did this eventually create individuals with double citizenship and questionable loyalties — which had its strong political function during the war in Bosnia-Herzegovina — but also a number of individuals with double residency.⁶

Bosnia-Herzegovina, a multi-national country without a core ethnic group, also issued an invitation to acquire citizenship in the 1993 amendments to its 1992 decree on citizenship, but only to certain individuals inside its borders. It provided that all SFRY citizens residing on the territory of Bosnia-Herzegovina on 6 April 1992 — the day of the international recognition and the beginning of the war — should be automatically considered citizens of Bosnia-Herzegovina, which basically followed the new-state model. However, some other more problematic 'invitations to citizenship' were issued during the war. The same amendments facilitated the naturalisation of those who had been actively involved in the defence forces (Muminović 1998: 79). Bosnian citizenship was granted on this basis to a limited number of foreigners, mostly from Islamic countries who had fought on the Bosniak side. This problematic citizenship also involved a certain number of Serbs from Serbia and Croatia who had acquired citizenship from the Serb entity (that introduced its own extremely ethno-centric citizenship regime in 1992), and ethnic Bosniaks from the Sandžak region who were naturalised in the Bosniak-Croat entity.⁷

⁵ See 'Državljanstvo u 15 godina dobilo više od milijun osoba' [More than a Million Acquired the [Croatian] Citizenship in Last 15 Years] in *Vjesnik*, 13 September 2006. Available at <http://www.vjesnik.hr/html/2006/09/13/Clanak.asp?r=tem&c=1>. The precise statistics on naturalisation are not available. For other sources, see UNHCR (1997) and Omejec (1998).

⁶ I am grateful to Dejan Jovic for reminding me of this phenomenon. This involved especially ethnic Croats in Bosnia living in proximity of the Croatian border, a number of whom keep double residency and are therefore entitled to social and political rights in both Croatia and Bosnia.

⁷ In May 2005, a newly formed commission comprising local and international members launched a final revision of all naturalizations from 1992 to 2005. According to some sources, up to 20,000 people were in possession of a citizenship status that is considered problematic. See 'Sporno 20.000 državljanstava' [20,000 Citizenship Statuses Contested] in *Slobodna Dalmacija*, 14 May 2005, Split: <http://www.slobodnadalmacija.hr/20050514/bih03.asp>. Between March 2006 and December 2007, the Commission revoked Bosnian citizenship from around 660 persons and, in the first half of 2008, from

The Dayton Peace Agreement annulled all war-time legislation. It introduced, following a pattern familiar from socialist Yugoslavia, a new two-level citizenship regime in Bosnia composed of the state and the entity citizenships.

The FR of Yugoslavia, formed by Serbia and Montenegro in 1992, adopted its own law on citizenship only in 1996 (the law entered into force in 1997)⁸ after the wars in Croatia and Bosnia (where both Serbia and Montenegro were heavily involved) ended. Individuals entitled to FRY citizenship were those in possession of the republican citizenships of Serbia and of Montenegro on 27 April 1992. A clearly problematic dimension of this law was its retroactive application (Pejić, 1998). Those who were invited to hold FRY citizenship were permanent residents from other republics living in the FRY on that very day, if they did not have a foreign citizenship. The apparent liberal approach of the FRY authorities towards this group must be explained by two factors. The FRY unsuccessfully tried to portray itself as the sole legal successor of the SFRY — therefore accepting of all SFRY citizens permanently residing on its territory as its citizens — but one also has to take into account that a vast majority of these individuals were of Serb ethnicity. Ethno-centric migrations within Yugoslavia were a recurrent phenomenon: Zagreb attracted many Croats outside Croatia, Belgrade many Serbs outside Serbia and Montenegrins, Pristina (especially after 1974) Albanians from Macedonia and Montenegro, and Sarajevo many ethnic Muslims from the Sandžak.

However, in spite of the positioning of Belgrade as political centre of ethnic Serbs, and not only of the FRY, and its attempt at territorial expansions, the law offered to thousands of Serb refugees settled in the FRY a narrow possibility for acquisition of its citizenship. One might assume that this mistreatment of Serb refugees in Serbia and Montenegro – by contrast with the Croatian approach in treating ethnic Croats from Bosnia, for instance – contradicts my claim about the general use of citizenship legislation to engineer ethnically homogenised states in the former Yugoslavia. However, this is not the case. The deliberate political manipulation of the refugee problem was part of Milošević's Serbian war strategy. Without the citizenship of their republics of origin, and without the real possibility of acquiring that of the FRY, Serb refugees became the true hostages to Milošević's policies and their failure in both neighbouring countries and within Serbia. Many refugees were redirected to the multiethnic region of Vojvodina, and to a lesser degree to Kosovo and Montenegro, where they influenced the ethno-demographic balances. Many, however, found ways (some less than legitimate) to obtain the

another 20 persons. The majority of these were from African or Asian Islamic countries. Apparently, the great number of these individuals do not reside in Bosnia anymore. See '*Oduzeto 20 pasoša BiH*' [20 Bosnian Passports Revoked] in *Press Online*, 21 October 2008:

<http://www.pressonline.rs/page/stories/sr.html?view=story&id=49615§ionId=51>

⁸ Both Serbia and Montenegro retained old republican-level laws on Serbian citizenship (dating back to 1979; amended in 1983) and Montenegrin citizenship (from 1975). Montenegro changed its law on republican citizenship in 1999 and Serbia only in 2004.

citizenship of the FRY (Svilanović 1998: 244). In 2001 new amendments to the law made it easier for this group to acquire citizenship status.

Finally, in Slovenia and Macedonia, which are countries with a small number of ethnic kin in neighbouring countries, the law also included a special provision for facilitated naturalisation of ethnic Slovene and ethnic Macedonian political or economic diaspora members.

The excluded

Since legal continuity was established as the rule, the group that was immediately excluded were those Yugoslav citizens residing in republics other than their own. Their situation was often even more complicated if they were of different ethnicity to the core ethnic group of the republic where they lived. Once Yugoslavia had disappeared, from lawful citizens they were, literally overnight, turned into aliens. For the most part they were required to follow naturalisation processes reserved for aliens, requiring a certain number of years of continuous residence and certain additional tests. The Ministries of the Interior were in charge of deciding on the validity of the applications often had no obligation to state the reasons for refusal, and many reports testify to widespread discrimination of members of ethnic minorities, see Dika et al. 1998, UNHCR 1997, Imeri 2006.

This may come as some surprise, but the most drastic case of exclusion happened in Slovenia, an ethnically homogenous country unaffected by massive conflict. The only former Yugoslav republic to become EU member state, Slovenia, with its functioning state apparatus, its respect for the rule of law and its successful adoption of EU legislation, has often been upheld as exemplary in protecting human rights. This image would probably remain unquestioned were it not for the case of the so-called 'erased'. The citizenship law adopted in June 1991 provided that individuals from other republics who had had lawful residence in Slovenia on 23 December 1990 – the day of the referendum on Slovenian independence not day of actual independence, and a year before international recognition – could become Slovenian citizens upon request within six months.⁹ The law itself becomes quite controversial when we consider that it enabled policies that might be qualified as contributing to a strategy of ethnic engineering. One such measure was taken on 23 February 23 1992. On that day, according to official sources, 18,305 ethnically non-Slovene lawful residents from other republics were literally erased from the civic registries in Slovenia. In the months to come, their documents (e.g. passports, driver

⁹ According to some estimates, up to 300,000 non-Slovene residents lived in Slovenia in 1991. Obviously, the idea having such numerous 'non-autochthonous minorities', as they are called in Slovenian constitution, consisting of Croats, Serbs, Bosnian Muslims, Albanians and Roma from other Yugoslav republics, was problematic for the first Slovenian independent state's administration. Some 170,000 of this group regulated their status, whereas the status of the others remained unresolved. Many of them left Slovenia (e.g. federal army personnel and their dependents, others with non-regulated status), but those who remained in Slovenia and did not apply for or obtain the new citizenship in time were later erased by an administrative decision.

licenses, IDs) were invalidated. They lost all civic and social rights, jobs, health care, and social benefits, and became 'dead' from an administrative point of view – simply put, they were *izbrisani*, i.e. erased. This was facilitated by a short application period of six months, confusing application procedures, numerous difficulties in obtaining all necessary documents at the moment of Yugoslavia's break-up and subsequent escalation of violence, and finally by the overall political confusion since Slovenia was still legally part of the SFRY and was not internationally recognised until January 1992 (Miklavič-Predan 1998: 221-226; Medved 2009). In July 1999 the Act on the Status of Citizens of other SFRY Successor States enabled 7,000 of the *izbrisani* to obtain Slovenian citizenship or to regulate their status. However, there are still around 4,000 persons waiting for the government to act in accordance with the 3 April 2003 decision of the Constitutional Court of Slovenia, which ordered the administration to immediately issue permanent residence status to this group.

In war-affected Croatia, together with residents from other republics (non-Croats, mostly ethnic Serbs) who were struggling to resolve their citizenship status in new Croatia, the most significant problems concerned the status of Serbs living in the Krajina region. Serb militias, acting in concert with the disintegrating federal army, took control of one-third of Croatia's territory during 1991, extending beyond Serb-populated areas. Their rebellion or self-exclusion (on practices of self-exclusion, see below) from the Croatian legal framework was followed by exclusionary practices after the Croatian government retook control of these areas during two blitzkrieg operations in Western Slavonia and Krajina in 1995 (Eastern Slavonia was peacefully reintegrated into Croatia in January 1998). The majority of Croatian Serbs from these regions left or were forced to leave their homes and their property was damaged or occupied by Croat refugees or local Croats. Tuđman government did everything to prevent their return to Croatia. There was no administrative erasure of this population. They were all legally Croatian citizens, but — since so many of them were refugees outside Croatia, in Serbia and Bosnia and could not re-enter Croatia — they could not obtain the certificate of Croatian citizenship (*domovnica*) and, therefore could not re-claim full citizenship rights (see the report on Croatia in Imeri 2006: 129-131). However, after Tuđman's death and subsequent political changes in 2000, and during Croatia's bid for EU membership, this group of Croatian Serbs for the most part regained their citizenship status.

In the FYR of Macedonia, one provision of the first law on citizenship from 1992 considering residents from other Yugoslav republics proved that Macedonian legislators at the time were also preoccupied with ethnic engineering. The provision affirms that a permanent resident must live continuously in Macedonia for no less than fifteen years. This affected all residents from other republics, but it was clear that one particular group had been targeted: ethnic Albanians, who had moved to Macedonia during socialist Yugoslavia and were thus numerically reinforcing the relative size of the Albanian minority. Albanians complained that the new Constitution rendered them second-class citizens and that the law on citizenship purposefully excluded a considerable number of ethnic Albanians.

In the FRY, or more precisely in Serbia, the politics of exclusion took on a different, political and not legal shape, and were mostly concentrated in one particular region, Kosovo. Although ethnic Albanians continued to be Serbian and thus FRY citizens, the province of Kosovo, in the period between Serbia's revocation of Kosovo's autonomous status in 1989 and expulsion of Albanians from state institutions, to the 1999 NATO intervention, was a place of continuous violations of their citizenship rights. Under Serbian administrative, military and police rule, this group of Yugoslav nationals was deprived of political and civil rights. Ethnic Albanians often had problems not only with registering in the citizens' register, but also with obtaining travel documents and even re-entering the country. The final act of exclusion was the massive confiscation and removal of documents belonging to expelled Albanians that occurred during the conflict in Kosovo.

The Self-excluded

Self-exclusion from existing citizenship status (of one's own republic)—with the idea of forming one's own ethnically-based state and/or joining the kin-state and its citizenship—was part and parcel of the Serb rebellions in Croatia and Bosnia and was present in the Bosnian Croats' political strategy in 1993 and 1994. Already in August 1990—three months after Tuđman's nationalist party took power in Croatia—the roads leading from Zagreb to the Dalmatian coast were blocked in the Serb-populated area and Serb police officers refused to commit their loyalty to the Ministry of the Interior as well as to wear new uniforms which were decorated with ethnic Croat insignia. In October of the same year the Serb autonomous region of Krajina was declared and local Serb leaders openly advocated that, in case of Yugoslavia's disintegration, Yugoslav Serbs should unite in a greater Serbian state regardless of the actual republican borders. In March 1991, what would become known as Krajina declared independence from Croatia. Their separatist moves and the armed rebellion that escalated in summer of 1991 were politically, materially and military backed by Serbia's leadership and the Federal Army (JNA).

The similar scenario was followed in Bosnia where — in spite of the fact that Serb nationalists shared power with Bosnian Muslim and Croat nationalists — 'Serb autonomous regions' were formed in 1991. In early 1992 they declared a republic and sought its separation from Bosnia. The mobilisation of Bosnian Serbs for war was also motivated by the Greater Serbia project that had already begun in Croatia in 1991 and was territorially inconceivable without the acquisition of large portions of Bosnian territories. As for nationalist Croats in Bosnia, their tactic, in 1991 and 1992, was initially to support Bosnia's statehood. However, as the war progressed, in 1993 and 1994, Croats in Western Herzegovina and Central Bosnia — under direct influence and control from the nationalist government in Zagreb — adopted a position similar to that of the Bosnian Serbs. They rejected Bosnia as a multinational state, established their own statelet, so-called the Croatian Republic of Herzeg-Bosna, and tried to get as much territory as possible with the intention of attaching it to Croatia.

One needs to mention another self-exclusionary practice, namely peaceful rebellion — until the emergence of Kosovo Liberation Army in 1997 — of Albanians in Kosovo against the Serbian authorities.¹⁰ Local Albanians judged their presence in Kosovo to be illegitimate after the unilateral revocation of Kosovo's autonomy and the waves of political repression against Albanians. Albanians opted for a boycott of Serbian state and the construction of parallel society and institutions.

Eventually, the self-exclusionary practices failed in all but the case of the Kosovo Albanians. Thanks to the international intervention, they got rid of Serbian rule, formed their own institutions and gained a partial international recognition after 2008. Self-exclusion of Croatian Serbs ended with the disappearance of Krajina in 1995, Bosnian Croats re-joined Bosnian institutions after the Washington agreement in 1994 and the Serb Republic became an integral part of Bosnia after the Dayton Peace Agreement in 1995.

3. 3. Conclusion: The Metics in the Former Yugoslavia

One could safely conclude that the implementation of the new citizenship laws in the former Yugoslav states was marked by 'confusion and arbitrariness' (Pejić 1998: 173). Nevertheless, this confusion was only partly the product of an unstable political context. In the majority of cases, the governments involved in the conflict created confusion intentionally. Arbitrariness could be found in many of the legal prescriptions and actual administrative practices, and was clearly part of a general strategy of creating ethnically redesigned states — a strategy that often called existing borders into question — in favour of a given ethnic majority.

The citizenship laws and the procedures for acquiring new citizenship proved to be part and parcel of administrative ethnic engineering. The targeted populations were usually comprised of individuals living in republics other than their 'own', especially if they numerically reinforced a domestic ethnic minority (perceived as not sufficiently 'loyal' to the new state), or were simply of a different ethnic origin. Citizenship laws provided an opportunity to eliminate a certain number of citizens from the political, social and economic life of the new states. They were useful tools for the modification of ethnic balances and social and ethnic structures. The new aliens saw their rights reduced and their residency threatened, which proved to be a powerful means of forcing them out of their homes and usually out of the country, without employing physical violence.

In general, we could conclude that the dissolution of a multinational federation and the common efforts by successor states to define their citizenry deprived a significant number of individuals of their previous status as lawful

¹⁰ We should add that Albanians in Macedonia boycotted the referendum on Macedonian independence in 1991, held their own referendum on creation of their own autonomous region, but eventually, although grudgingly, accepted Macedonian institutions. In 2001, Albanian armed rebellion played again with the prospect of self-exclusion. Both times — either peacefully or violently — the prospect of self-exclusion was mostly used to gain more political rights.

citizens – as was the case in some former Soviet republics and in the former Yugoslavia. Rogers Brubaker's description of the internal Soviet migrants in the post-Soviet period is equally valid for many former Yugoslavs: 'The breakup of the Soviet Union has transformed yesterday's internal migrants, secure in their Soviet citizenship, into today's international migrants of contested legitimacy and uncertain membership' (1992: 269). When this break-up is followed by a violent conflict, it may also result in massive migrations and in millions of refugees and internally displaced persons. Citizens *à part entière* are thus transformed into *metics*, a term that seems to more accurately describe their particular situation than the more usual and overly generic 'aliens'.¹¹ The major difference is that, unlike the *metics* in the ancient Greek *polis* that had never had the privileged position of citizens, the Yugoslav *metics* were citizens in their places of residence who had been turned into *metics* literally overnight. They became either legal alien residents, with a set of conditions to fulfil to acquire citizenship, or obtained temporary visas, without a clear indication of whether they would ever regain the status of citizens under the law, and lived with a potential threat of deportation, or they were simply transformed into illegal aliens such as the erased in Slovenia and thus subject to immediate expulsion.

Classical citizenship entails a bipolar relationship between citizens and aliens, whereas citizenship in a federation is characterised by a triangular relationship between citizens of the member states, citizens of the federation and aliens (Béaud 2002: 317-318). I call this triangular relationship the *federal citizenship contract*. It consists of offering equal rights to all federal citizens over all federation's territory, regardless of their federated citizenship (the citizenship of a constitutive part, if legally provided). In the case of the dissolution of Yugoslav federation and in some ex-Soviet countries, successor states broke the existing federal citizenship contract and adopted the classical citizenship contract that distinguishes only between nationals and aliens, a direct consequence of which was the transformation of vast numbers of lawful citizens into *metics* – legal or illegal residents with no right to the status of citizen or subject to overly complicated procedures for acquiring it – as if the previous federal citizenship contract had never existed.

To say that a huge number of individuals in the former Yugoslavia experienced the fate of the *metics* is not an exaggeration if we take into account the fact that refugees joined this category. After fleeing from their republic of origin, they often found themselves in the territory of another republic with, in most cases, no right to its citizenship (even after several years) and with no possibility to renew their citizenship status in their republic of origin. To make the whole situation even more complicated, their republic of origin was more often than not in open conflict with the republic in which they found shelter. It was not until late 1990s that the

¹¹ Of relevance here is Michael Walzer's analysis of the status of *metics* in Western Europe and in North America as residents who, like Athenian *metics*, are not and cannot be citizens: 'They are ruled, like the Athenian Metics, by a band of citizens-tyrants' (1983: 58).

situation generally began to improve, with *metics* slowly reacquiring their *droit de cité*, and with yesterday's enemies gradually being transformed into neighbours.

4. Enemies into Neighbours: Europeanisation of Citizenship Regimes of Yugoslavia's Successor States

The wars of the Yugoslav succession ended with Serbia's withdrawal from Kosovo in 1999. The region has been relatively calm ever since, except for a short-term but nevertheless violent inter-ethnic conflict in Macedonia in 2001. After the death of Franjo Tuđman in late 1999 and after Slobodan Milošević's fall from power in late 2000, and after the European Union, first in Zagreb in 2000 and then in Thessaloniki in 2003, promised 'a European future' for the Western Balkans, it seemed as if the region had entered an entirely new phase. Since then, the democratisation of the region, coupled with 'Europeanisation', by which is meant the process of stabilisation and structural reforms necessary for the region's eventual accession to the EU membership, has been under way but with only partial success. Since 2000, multiple new changes and reforms of the citizenship policies and citizenship-related administrative practices—both improvements and regressions—have been introduced in Yugoslavia's successor states. The matter is even more complicated by the fact that we have since witnessed another disintegration (of Serbia and Montenegro in 2006) and secession (of Kosovo from Serbia in 2008), the result being three new states with three new citizenship regimes. Some familiar problems to those from the 1990s thus arose again.

In the former north-western Yugoslav republics Slovenia and Croatia, and in Bosnia-Herzegovina, citizenship laws and regulations have not been significantly modified since independence. As noted above, Slovenia still has to resolve the problems of the remaining 'erased' and to accept responsibility for such an act. Since 2000 Croatia has explicitly declared its willingness to satisfy all the conditions for joining the EU. One of the most important of these is the return of Serb refugees and the full restitution of their civil status and the reparation of their material goods. Although there are no changes in the text of the citizenship law as of the time of writing, the actual practice of granting citizenship demonstrates a greater degree of inclusiveness due mostly to the change in political climate. To sum up, inclusiveness and fair treatment of minorities are here combined with the preservation of a trans-border ethnic Croat community tied together by the bonds of citizenship (Ragazzi and Štiks 2009).

On the other hand, considerable changes in legislation and administrative practices have occurred in the former south-eastern Yugoslav republics, post-conflict Macedonia and in newly formed states of Serbia, Montenegro and Kosovo. By signing the Ohrid Framework Agreement in August 2001, ethnic Macedonian and Albanian parties committed themselves to a multiethnic Macedonia in order to end the Albanian rebellion. Albanian demands for a reform of both the Constitution (in 2001) and, subsequently, the Citizenship Law (in 2004) were also met. Macedonia

was re-defined as a '*civic* and democratic state' [emphasis added] (*Constitution of the Republic of Macedonia* 2001). The Albanian language was recognised as an official language in the majority Albanian areas, and the greater representation of ethnic Albanians in the state sector was affirmed. Finally, in early 2004, the Parliament adopted a new law on citizenship that reduces the controversial residence requirement to eight years.

In 2004, the Serbian National Assembly adopted a new Law on Serbian Citizenship that annulled both the old one (1976-1983) and the Law on FRY citizenship. The main characteristic of the 2004 law is the invitation to acquire Serbian citizenship given to ethnic Serbs and members of the Serb diaspora. The law abandons the criterion of residence and basically invites ethnic Serbs from other former Yugoslav republics to acquire Serbian citizenship, regardless of their actual place of residence (in Serbia or abroad!). In the terms of these ethno-centric provisions, this law bears a striking resemblance to the controversial Croatian law on citizenship. After Montenegro's declaration of independence, Serbia unwillingly became independent as well. The new Constitution defines Serbia as 'the state of the Serbian people and of all citizens living in Serbia' (*Ustav Republike Srbije* 2006). This ethno-centric definition — again similar to Croatian constitution — directly affected the law on Serbian citizenship that was further amended in September 2007. It confirmed that the road was open for ethnic Serbs from the former SFRY and abroad to acquire Serbian citizenship without the residency requirement, provided they sign a written declaration that they 'consider Serbia to be their country'. The 2007 law has also smoothed the way for Montenegrin citizens living in Serbia to acquire Serbian citizenship.

This move provoked an angry reaction from Montenegro, which fears Serbia's influence on a large number of its citizens. According to the 2003 census, ethnic Serbs represent 32 per cent of the whole population of this tiny republic. Montenegro reiterated that it would not allow its citizens to hold double citizenship and that those citizens violating the law would be stripped of their Montenegrin citizenship. In preparation for eventual independence, as early as 1999, Montenegro adopted its own law on citizenship, in which primacy over federal citizenship was clearly stated. This was in apparent contradiction to the still valid law of the FR Yugoslavia on citizenship. After 2006, Montenegro as a now sovereign and again internationally recognised state adopted a new Constitution on 19 October 2007. Its first article defines Montenegro as a '*civic, democratic, and ecological country*' (*Ustav Crne Gore* 2007). After many debates and delays, the Montenegrin parliament adopted a new law on Montenegrin citizenship in early 2008. The law, as with the Constitution, clearly states in its first article that Montenegrin citizenship is 'the legal tie between a person and the Republic of Montenegro and *does not imply national or ethnic origin*' [emphasis added]. The law does not foresee dual citizenship, but it invites Montenegrin emigrants — up to the third generation — to acquire Montenegrin citizenship, subject to the condition of two years of permanent residence.

In Serbia and Montenegro, the laws on citizenship were once more used as a way to sustain and promote the demographic superiority of a core ethnic group and — in contexts where ethnic origin determines one's political preferences as well — as a means of reinforcing a particular political position. In the Montenegrin case we see, however, a novelty in approach. Since ethnic Montenegrins are numerically the largest but are not the majority group in Montenegro, insistence on the civic nature of the state and its citizenship could be interpreted as a measure to reinforce Montenegro's independent statehood—narrowly achieved on the referendum in 2006—which still deeply polarise its citizens along ethnic lines.

'Newborn' Kosovo declared independence in February 2008, and its new Constitution came into effect on 15 June 2008 following the basic lines of the Ahtisaari plan for Kosovo's 'supervised independence'. Its first article defines Kosovo as 'a state of its citizens' that 'shall have no territorial claims against and shall seek no union with, any State or part of any State' (*Constitution of the Republic of Kosovo* 2008). On the same date the Law on Kosovo citizenship came into effect. The law extended Kosovo citizenship to all citizens of FR of Yugoslavia who had 'habitual residence' in Kosovo on 1 January 1998. However, a new example of self-exclusion immediately appeared. Kosovo Serbs largely refuse to accept Kosovo as an independent state with its own authorities and they have been building their own 'parallel institutions' in Serb-majority zones where Serbia's legislation is still in force.

In the context of the region's aspiration to join the EU and the EU's interventions in these countries, one wonders what the role of the EU is when it comes to the citizenship practices of Yugoslavia's successor states today. The case of Slovenia, together with Estonia and Latvia, demonstrates that EU membership does not seriously call into question the ethnocentric conception of citizenship and, moreover, that it fails to force the members to adopt inclusive citizenship policies. In short, EU leverage is stronger in the pre-membership phase, as demonstrated in the case of Croatia, or when the EU, or international bodies such as the UN, exercise direct influence on legislative procedure and administrative practices, as in Bosnia, Kosovo, and Macedonia. In these countries the constitutional reforms and laws on citizenship are usually offered ready-made to local politicians, or are closely supervised by international bodies. But in the countries such as Slovenia, Croatia, and Serbia, where the EU is not in a position directly to influence lawmakers, the ethnocentric legal definition of citizenship still prevails. Here EU pressure is mostly concentrated not on eventual changes in the legislation, but on the administrative practice and political life of the countries in question. Nonetheless, since 2000, we have generally witnessed greater inclusiveness and less discrimination on ethnic grounds, as well as increased sensitivity to the political aspirations of ethnic minorities (most clearly in the EU candidate countries, Macedonia and Croatia). Montenegro, on the other hand, shows how even the civic definition of citizenship, although favoured by the EU, when combined with intolerance towards dual citizenship that in the particular Montenegrin context has the effect of reinforcing the

core ethnic group even though it does not have a majority of the population, could be also deeply divisive.

This brief overview also shows us something else: one could see that the citizenship practices of Yugoslavia's successor states within the context of eventual EU enlargement are used both as tools of reconciliation and of divisions among neighbours. More inclusive citizenship policies, coupled with political inclusiveness, definitely play a role in the reconciliation process in Croatia and Macedonia and are intended to promote reconciliation in Kosovo. In Bosnia, the two-tier system of citizenship at least provides common ground under which the state is providing equality for all citizens. However, one could clearly see that ethno-centric practices of granting citizenship to ethnic kin in neighbouring countries (practiced by Croatia and Serbia) are tools of division in Bosnia and Montenegro. Serbia does not recognise Kosovo's secession and considers citizens in Kosovo to be Serbian citizens (although its activities in reality are mostly directed towards the Serb minority and effectively ignore the Albanians), whereas Kosovo and the international institutions try to get as many Kosovo Serbs to accept and take part in Kosovo citizenship. Obviously, 'citizenship struggles' continue in what used to be Yugoslavia.

A Possible Epilogue: Neighbours into Partners Again in the EU? European Citizenship as a Tool of Cooperation?

Could European citizenship serve a tool of new cooperation among post-Yugoslav states? In order for this to happen, all of these states would have to become members of the EU and all former Yugoslav citizens European citizens. If this takes place — although reality is sometimes harsh for optimists — European citizenship would after more than two decades restore to the former Yugoslavs certain important rights that they enjoyed in socialist Yugoslavia. European citizenship, however, is not federal and it has been cautiously defined — it is derived from the national citizenship of the member states and does not replace it — in order to displace any discussion on primacy. However, it provides some significant rights to its holders: free circulation and residence in other member states, the right to vote in municipal and European elections, and the provision of diplomatic protection by all member states for EU citizens outside the EU.

One is tempted to ask what the practice of European citizenship would be in the countries that constituted the former Yugoslavia. Above all, EU citizenship would provide the right to circulate freely and to settle in other member states. In spite of the negative experiences of the recent past, we should not neglect the importance of a shared language and of personal and family ties for future migration within the region. It is hard to predict the scale of such migration, but the fact is that today—following the general democratisation of citizenship policies which favour civic solidarity but also the still existing ethnocentrism of many citizenship laws favouring ethnic solidarity—many individuals hold the citizenships of two and, in some rare instances, three former Yugoslav states, a fact which has already had

certain political and social impacts. Furthermore, European citizenship would provide important economic, social and political rights. Participation and eligibility at the local and the European level (the national level will, for the time being, remain inaccessible for non-nationals in almost every state across the world) will certainly add new dynamic elements to the relations between the former Yugoslav states. Again, this perspective will only become realistic if the EU expands far enough to embrace all of the post-Yugoslav countries.

To sum up, since the break-up of Yugoslavia many former citizens of the SFRY were transformed into aliens — and many also into *metics* — and could only regain their citizenship status many years after the dissolution. Long-term partners and sometimes even brothers were turned into enemies, but the enemies were eventually turned into neighbours. If under the supranational roof of the EU, the neighbours could be turned into partners again, we could witness a new era in the Balkans.

Bibliography

Béaud, Olivier. 2002. The Question of Nationality within Federation: A Neglected Issue in Nationality Law. In *Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe: The Reinvention of Citizenship*, ed. Randall Hansen and Patrick Weil, 314-330. London-New York: Berghahn Books.

Brubaker, Rogers W. 1992. Citizenship Struggles in Soviet Successor States. *International Migration Review* 26 (2): 269-291.

Budding, Audrey Helfant. 2008. Nation/People/Republic: Self-Determination in Socialist Yugoslavia. In *State Collapse in South-Eastern Europe*, ed. Lenard J. Cohen and

Jasna Dragovic-Soso, 91-130. West Lafayette: Purdue University Press.

Constitution of the Republic of Kosovo. 2008. Available at

<http://www.kosovoconstitution.info/>

Constitution of the Republic of Macedonia. 2001. Available at

http://www.minelres.lv/NationalLegislation/Macedonia/Macedonia_Const2001_excerpts_English.htm

Dika, Mihajlo, Arthur C. Helton, and Jasna Omejec eds. 1998. *The Citizenship Status of Citizens of the Former SFR Yugoslavia after its Dissolution*. In *Croatian Critical Law Review* 3 (1-2): 1-259.

Dimitrijević, Vojin. 1995. The 1974 Constitution and Constitutional Process as a Factor in the Collapse of Yugoslavia. In *Yugoslavia, the former and future. Reflections from Scholars from the Region*, ed. Payam Akhavan and Robert Howse, 45 – 74. Washington and Geneva: The Brookings Institution & The United Nations Research Institute for Social Development.

Djokic, Dejan. 2003. (Dis)integrating Yugoslavia: King Alexander and Interwar Yugoslavism. In *Yugoslavism – Histories of a Failed Idea 1918 – 1992*, ed. Dejan Djokic, 136-156. London: C. Hurst and Co.

Drouet, Michel. 1997. Citoyenneté dans un Etat plurinational. Le Cas de l'ex-Yugoslavie. *Balkanologie* 1 (1): 81-94.

Hayden, Robert. 1992. Constitutional Nationalism in the Formerly Yugoslav Republics. *Slavic Review* 51: 654-673.

Imeri, Shpend, ed. 2006. *Rule of Law in the Countries of the Former SFR Yugoslavia and Albania: Between Theory and Practice*. Gostivar: Association for Democratic Initiatives.

Jovanović, Svetolik Đ. 1977. *Državljanstvo Socijalističke Federative Republike Jugoslavije* [Citizenship of the Socialist Federal Republic of Yugoslavia]. Službeni List SFRJ: Beograd.

Medved, Felicita. 2009. From Civic to Ethnic Community? The Evolution of Slovenian Citizenship. In *Citizenship Policies in the New Europe*, ed. Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers, 305-338. Amsterdam: Amsterdam University Press.

Miklavič-Predan, Neva. 1998. Ethnic Cleansing through the Revocation of Citizenship Rights in the Republic of Slovenia. *Croatian Critical Law Review* 3 (1-2): 221-225.

Muminović, Edin. 1998. Problems of Citizenship Laws in Bosnia and Herzegovina. *Croatian Critical Law Review* 3 (1-2): 71-88.

Neuman, Gerald L. 2003. Fédéralisme et citoyenneté aux Etats-Unis et dans l'Union européenne. *Critique Internationale* 21: 151-169.

Omejec, Jasna. 1998. Initial Citizenry of the Republic of Croatia at the Time of the Dissolution of Legal Ties with the SFRY, and Acquisition and Termination of Croatian Citizenship. *Croatian Critical Law Review* 3 (1-2): 99-128.

Pejić, Jelena. 1998. Citizenship and Statelessness in the Former Yugoslavia: The Legal Framework. In *Citizenship and Nationality Status in the New Europe*, ed. Síofra O'Leary and Teija Tiilikainen. 169-186. London: The Institute for Public Policy Research / Sweet & Maxwell.

Ragazzi, Francesco, and Igor Štiks. 2009. Croatian Citizenship: From Ethnic Engineering to Inclusiveness. In *Citizenship Policies in the New Europe*, eds. Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers, 339-363. Second, expanded edition. Amsterdam: Amsterdam University Press.

Rakić, Vesna. 1998. State Succession and Dissolution: the Example of FR Yugoslavia. *Croatian Critical Law Review*, 3 (1-2): 57-70.

Ramet, Sabrina P. 1992. *Nationalism and Federalism in Yugoslavia 1962 – 1991*. Second edition. Bloomington & Indianapolis: Indiana University Press.

Sievers, Wiebke. 2009. 'A Call To Kinship'? Citizenship and Migration in the New Member and Accession States of the EU. In *Citizenship Policies in the New Europe*, eds.

Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers, 439-458. Second, enlarged and updated edition. Amsterdam: Amsterdam University Press.

Skalnik Leff, Carol. 1999. Democratization and Disintegration in Multinational States: The Breakup of the Communist Federations. *World Politics*, 51 (2): 205-235.

Svilanović, Goran. 1998. The New Law on Yugoslav Citizenship: Procedural Provisions and Practice. *Croatian Critical Law Review* 3 (1-2): 243-259.

Štiks, Igor. 2010. 'The Berlin Wall Crumbled Down Upon Our Heads!' 1989 and Violence in the Former Socialist Multinational Federations". *Global Society* 24 (1): 91-110.

-----, 2006. Nationality and Citizenship in the Former Yugoslavia: From Disintegration to the European Integration. *South East European and Black Sea Studies*, 6 (4): 483-500.

Tepić, Đuro & Bašić, Ivan, eds. 1969. *Zbirka propisa o državljanstvu* [The Collection of the Citizenship Regulations]. Narodne novine: Zagreb.

UNHCR, Regional Bureau for Europe. 1997. *Citizenship and Prevention of Statelessness Linked to the Disintegration of the Socialist Federal Republic of Yugoslavia*. European Series 3 (1), June 1997. Geneva: UNHCR

Ustav Crne Gore [Constitution of Montenegro]. 2007. Available at <http://www.skupstina.cg.yu/index1.php?module=3&sub=2>

Ustav Republike Srbije [Consitution of the Republic of Serbia]. 2006. Available at http://www.parlament.sr.gov.yu/content/lat/akta/ustav/ustav_ceo.asp

Ustav Socijalističke Federativne Republike Jugoslavije – Ustav Socijalističke Republike Hrvatske [Constitution of the Socialist Federal Republic of Yugoslavia – Constitution of the Socialist Republic of Croatia]. 1974. Zagreb: Narodne Novine.

Walzer, Michael. 1983. *Spheres of Justice, A Defense of Pluralism and Equality*. New York, London: Basic Books.



ISSN 2046-4096